

## PROPOSED CHANGES TO SECTION VII – SPECIAL REGULATIONS – 1-1, 4 & 12

~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

*Italicized Words* are defined in either the existing Bylaw or in the following proposed amendments

### ~~4-4.~~ Affordable Apartment Incidental to a Single Family Dwelling Housing

#### **Intent:**

~~The intent of this section is to provide some affordable housing to meet the needs of Chatham's residents and workers. This section sets forth standards and conditions for Affordable Apartments Incidental to a Single Family Dwelling. The standards are intended to be consistent with those recommended by the Cape Cod Commission for use by Towns. It is also intended that "affordable" units required and approved under this Bylaw Remain affordable.~~

*Heading change proposed to more accurately reflect the restructured Section 2 to cover Affordable Housing*

#### **A. Purpose and Intent**

The purpose of this Section is to implement a coherent set of policies and objectives for the development of affordable housing in compliance with the Comprehensive Plan, MGL Ch. 40B Sec. 20-23, and related ongoing programs within the Town to promote the creation of housing that is affordable. It is intended that the affordable housing units resulting from this Section be considered Local Initiative Program (LIP) dwelling units in compliance with the requirements specified by the Massachusetts Department of Housing and Community Development (DHCD) and that said units count toward the Town's requirements under MGL Ch. 40B Sec. 20-23 on the Subsidized Housing Inventory (SHI). The overall intent of this Section is to:

*"Preamble" converted to "Purpose and Intent" paragraph to better articulate the broader planning goals of the restructured Section 2.*

- Provide opportunities to create various types of quality dwelling units affordable to low or moderate income households.
- Promote geographic distribution of affordable housing units throughout the Town and avoid over-concentration.
- Promote creation of dwelling units compatible with neighborhood and overall community character.
- Promote the creation of units eligible for the Chapter 40B Subsidized Housing Inventory (SHI).
- Help maintain a stable economy by preventing out-migration of residents who provide essential services.

*Proposed bullets provide more specific expression of the overall intent of the Affordable Housing Section in the Protective Bylaw.*

#### **B. Definitions:**

**Affordable,** used in reference to dwelling units means intended for rental or sale to low or moderate income-eligible people households and in conformance with the requirements of this BylawSection inwith regard to price and income level of tenant(s).

*Reference to "income-eligible" definition added to reinforce that affordable in the Bylaw means households not exceeding 80% of Area Median Income*

**Affordable Apartment, Incidental to a Commercial Use or Industrial Use means a dwelling unit intended for rental or sale to low or moderate income eligible households**

and in conformance with the requirements of this Section in regard to price and income level of tenant (s) located either within a commercial or industrial structure, or on a commercial or industrial lot where at least 51% of the total floor area of the building(s) above finish grade is utilized for commercial or industrial purposes.

*This new definition is proposed to correspond with the suggested amendments to Section VII. 4, to increase affordable housing opportunities in Commercial and Industrial Districts*

**Affordable Apartment Incidental to a Single Family Dwelling** means a dwelling unit subordinate to a one-family dwelling approved on the condition that the requirements of this ~~Bylaw~~Section are met for affordable price and income-eligible tenants.

**Affordable Price**, used in reference to a dwelling unit, means ~~housing costs a monthly rent or mortgage payment~~ which does not exceed 30% of the gross monthly income of a household whose income is 70% of the median income for Barnstable County as reported by the United States Department of Housing and Urban Development (HUD).

*This change is proposed to make the Chatham's definition consistent with that used by regional, state and federal programs as recommended by the Cape Cod Commission.*

**Area Median Income (AMI)** - The estimated median income, adjusted for family size, by county or metropolitan area. The AMI is adjusted annually by HUD.

**Chatham Housing Authority** – The local Housing Authority organized pursuant to Massachusetts General Laws, Chapter 121B, Section 3.

**Deed Restriction** – An executed restriction in a form acceptable to the Special Permit Granting Authority (SPGA), recorded with the Barnstable County Registry of Deeds.

**Department of Housing and Community Development (DHCD)** – The Massachusetts agency that oversees State funded programs and other funding incentives to promote affordable housing. DHCD keeps the individual communities' affordable housing units inventory, and determines or certifies what counts as affordable housing. (see *Subsidized Housing Inventory*)

*Additional affordable housing specific definitions added to improve understanding of entities and terms involved in the creation of affordable housing.*

**Housing Costs**, for rental units include rent and utilities; while housing costs for ownership units include mortgage principal and interest, property taxes, property insurance, mortgage insurance, and condominium and/or homeowners' association fees.

**Housing and Urban Development (HUD)** - The Federal agency responsible for addressing the nation's housing needs and development of nation's community, as well as for enforcing of fair housing laws and for helping local communities meet development needs.

**Income-Eligible** means that the household income of a person or family does not exceed 80% of the median income, adjusted for household size, for Barnstable County as reported by the United States Department of Housing and Urban Development (HUD).

**Local Action Units (LAU)** - Affordable units built pursuant to a local action such as a zoning provision, a condition of a variance or special permit issued by the planning board or zoning board of appeals, a contract provision (e.g., reuse of municipal or school building as housing), or an agreement between the town and a non-profit organization to build or rehabilitate municipal buildings into housing. This component of the LIP gives communities the opportunity to include housing units on the state's *Subsidized Housing Inventory* that were built without a Comprehensive Permit but which meet LIP criteria.

**Local Initiative Program (LIP)** A State program under which communities may use local resources and technical assistance from DHCD to develop affordable housing

pursuant to 760 CMR 45.00-45.07.

**Local Program Administrator (LPA)** - Entity responsible for oversight of affordable units. This could be a local official, a local housing partnership board member or staff member, the director of an area housing non-profit organization, or another appropriate person meeting DHCD approval.

**Subsidized Housing Inventory (SHI)** - DHCD's official list of units, by municipality, that counts toward a community's 10% goal.

### **C. Affordable Rental Units**

Dwelling units created for rental purposes required to be affordable or approved under this Section with the condition that they are affordable shall be subject to the following:

1. Rental dwelling units required or approved under this Section as affordable shall meet the definition of affordable price as set forth in this Section. Certification by the LPA that the price is an affordable price shall be provided to the Zoning Enforcement Officer.
2. Any dwelling approved under this Section as an affordable rental unit shall be rented subject to a minimum 12-month lease.
3. For any dwelling unit required or approved as an affordable rental under this Section, certification by the LPA that the tenants occupying the affordable unit are income eligible and the rent charged them is affordable per the definitions in this Section must be submitted to the Zoning Enforcement Officer at the time of the signing of the lease and on an annual basis thereafter. Such certification is also required upon any change in tenants or rent charged. Dates of occupancy shall be stated in the certification.
4. Owners of affordable units created under this Section shall be encouraged to rent the units to Chatham residents or workers, or people with ties to the community.
5. Affordable accessory apartment units shall be subject to affordable housing use restrictions that are executed by the homeowner, the Municipality, and DHCD and filed by the LPA in the Registry of Deeds/Land Court Registry District subject to the following provisions regarding the early termination of such restrictions:
  - a. Tenant Notice

In all cases, the owner must provide an existing tenant at least 60 days prior written notice that his or her lease will not be renewed.
  - b. Restrictions that either terminate automatically or are revocable by the owner upon transfer of the property.

If the restriction terminates and is not renewed by the new owner, the municipality must notify DHCD. The unit will no longer be deemed a Local Action Unit and will be removed from the Subsidized Housing Inventory unless the new owner obtains municipal approval to rent the accessory apartment and enters into an affordable housing restriction in the form approved by DHCD.
  - c. Restrictions that allow the owner to voluntarily terminate the restriction and cancel a Special Permit at the end of a tenant's lease term.

*This new Section establishes the requirements for all affordable rental units created under the Bylaw. This proposed structure lends itself to be "linked-to" other sections of the Bylaw that may be revised in the future as recommended in the Comprehensive Plan to add additional affordable housing provisions/requirements (i.e., multi-family development in neighborhood centers etc.)*

*This section has been added to highlight the revised LIP guidelines, spelling out the parameters of required use restrictions and details of early termination of use restrictions.*

*Recent changes to the LIP guidelines add flexibility to the required restrictions to get units to count towards the 10% goal, by removing the 15 and 30 year restrictions for rehabilitated units and new units respectively and by clarifying conditions to terminate participation by the homeowner (lower barrier to entry).*

Voluntary termination may occur only after the owner has rented an *affordable apartment incidental to a single family dwelling to income-eligible tenant(s)* for five (5) years or an *affordable accessory apartment incidental to a commercial use or industrial use to income-eligible tenant(s)* for ten (10) years. The municipality must notify *DHCD* that the restriction has been voluntarily terminated, and the unit will no longer be deemed a *Local Action Unit* and will be removed from the *Subsidized Housing Inventory*.

d. Removal of Deed Restriction

In the event that an owner of such dwelling unit decides not to continue with the program, then the Affordable Housing Restriction recorded as a *deed restriction* shall be discharged by recording an appropriate document executed by the *LPA*.

~~D.~~

**D. Affordable Homeownership Units**

*Dwelling units* created for homeownership purposes required to be *affordable* or approved under this Section with the condition that they are *affordable* shall be subject to the following requirements:

1. Any homeownership *dwelling unit* required or approved under this Section as *affordable* shall meet the definition of an *affordable price* as set forth in this Section. Certification by the *LPA* that the price is an *affordable price* shall be provided to the Zoning Enforcement Officer.
2. At the time of the sale of any homeownership *dwelling units* approved or required under this Section as *affordable*, certification by the *LPA* shall be provided to the Zoning Enforcement Officer that the purchaser is *income-eligible* as defined in this Section.
3. A *deed restriction* shall be placed upon the property limiting the resale price in perpetuity. The formula for setting the resale price shall be as follows; at the time of the original purchase, a multiplier shall be determined by dividing the sales price by the *Area Median Income (AMI)* for Barnstable County as provided by the United States Department of *Housing and Urban Development (HUD)*. At the time of sale of the unit, the multiplier times the *AMI* at the time of the sale shall be the maximum sale price.
4. If a unit is offered for sale, the purchaser and the Town shall sign an agreement setting forth the procedure for establishing a resale price to keep the unit *affordable* in perpetuity upon its sale and granting the Town the right of first refusal should the seller fail to enter into a bona fide purchase and sale agreement with an *income-eligible* buyer within ninety (90) days of the date that the unit is originally offered for sale.
5. In the permitting and certification process, owners of affordable units created under this Section shall be encouraged to sell the units to Chatham residents or workers, or people with ties to the community.

*Section 2. D .  
establishes the  
requirements for all  
homeownership units  
created under the  
Bylaw. This structure  
lends itself to be  
"linked-to" other  
sections of the Bylaw  
that may be revised to  
add affordable  
provisions/requirements  
(e.g., conversion of  
uses, etc.)*

**2-1. Affordable Apartment Incidental to a Single Family Dwelling**

*Since the adoption of  
the former Section 1-1  
in 2004, no affordable  
units have been created  
under this provision.*

## A. Purpose and Intent

**Affordable Rental Housing** - The intent of this section is to provide opportunities to create *affordable* rental housing to meet the needs of Chatham's residents or workers, or people with ties to the community. This section sets forth standards and conditions for *Affordable Apartments Incidental to a Single Family Dwelling*. The standards are intended to be consistent with those recommended by the Cape Cod Commission for use by Towns. It is also intended that *affordable* units required and approved under this Section remain *affordable*.

**Un-permitted Apartments** - As well as allowing the construction of new *dwelling unit* accessory to existing single-family homes to create additional *affordable* housing, this Section also provides an opportunity to bring into compliance currently un-permitted accessory apartments and apartment units in Chatham. This Section recognizes that although un-permitted and unlawfully occupied, these *dwelling units* are filling a market demand for housing at rental costs typically below that of units which are and have been lawfully constructed and occupied. It is in the public interest and in concert with its obligations under state law, for the Town of Chatham to offer a means by which un-permitted and illegal dwelling units can achieve lawful status, but only in the manner described in this Section.

*This Section has been revised based upon the successful program implemented by the Town of Barnstable for creating affordable accessory apartments.*

*The proposed approach also includes a mechanism for an "Amnesty Program" as recommended in the Comprehensive Plan, Planned Production Plan and at the 2007 Housing Summit. See Sub-Section 2-1. C. below.*

## B. New Affordable Apartment Incidental to a Single Family Dwelling

### 1. General:

- a. No more than 10~~2~~ Special Permits acted upon in the order received shall be granted for *Affordable Apartments Incidental to a Single Family Dwelling* in any 12-month period.
- b. *Affordable Apartments Incidental to a Single Family Dwelling* are allowed by Special Permit approved by the Zoning Board of Appeals in all districts except Municipal Conservancy (M/C) and Industrial (I) as set forth in this section.
- c. The Zoning Board of Appeals shall solicit comments on the proposal from other Town regulatory agencies which have jurisdiction in the particular case, and prior to acting upon the application, the Zoning Board shall consider any comments received from such agencies.

*Proposed format employed to differentiate between potential new and "amnesty" units.*

*Proposed increase in limit of annual Special Permits from 10 to 12 to correspond with Town's Affordable Housing Planned Production Plan goals to create additional units.*

### 2. Conditions:

All *Affordable Apartments Incidental to a Single Family Dwelling* shall be subject to the following conditions:

- a. No *affordable* apartment shall be approved in addition to a *Guest House* on a single family lot.
- b. Either the proposed apartment or the principal dwelling may be proposed to be rented as *affordable*, provided the property owner occupies the unit which is not designated as *affordable*. A change in the designation of which unit is *affordable* shall require an amendment to the Special Permit.
- c. The owner of the property must dwell in either the apartment or in the principal dwelling unit and shall not rent both the apartment and principal

*Conditions from previous version of the bylaw have been retained with minor revisions to reflect proposed program and bylaw format changes.*



dwelling unit at the same time except as follows:-

- i. An owner of a property containing an accessory apartment who is absent for a period of less than two (2) years may rent the owner's unit as well as the second unit during the temporary absence provided: written notice thereof shall be made to the Zoning Enforcement Officer or designee on a form prescribed by him/her and that the owner shall be a resident of the property for at least two year prior to and between such temporary absences.
- d. The owner of the property must meet and adhere to the requirements for an *affordable dwelling unit* as set forth in this Section.
- e. Application may be made for a Special Permit under this section provided the property where the *apartment* is to be located has a minimum of 20,000 square feet of *buildable upland area* unless specifically waived by the Zoning Board of Appeals.
- f. *Affordable Apartments Incidental to a Single Family Dwelling* shall meet all applicable State and local requirements for the establishment of *dwelling units*, including the Board of Health regulations limiting the number of bedrooms, Building Code, Wetlands Protection Regulations and other approvals as necessary.
- g. Unless specifically waived by the Zoning Board of Appeals, two parking spaces shall be provided for the *affordable apartment* in addition to the two parking spaces required for the single family dwelling.
- h. The Special Permit shall lapse in the event that the *affordable apartment* is not used for a period of two years. Upon application by the owner, the Zoning Board of Appeals may reinstate the Special Permit after a public hearing. If the reinstatement is not requested or is denied by the Zoning Board, the Zoning Enforcement Officer ~~may~~ shall order that the kitchen be removed from the *apartment*.
- i. The Zoning Enforcement Officer ~~has the authority to~~ shall order the kitchen to be removed from the *affordable apartment* upon finding a violation of the conditions of the Special Permit issued under this section and in the event that the owner does not correct the violation in a timely manner, after being given proper notice.
- j. The *affordable apartment* may be part of the principal dwelling or in a separate building accessory to the single family dwelling.
- k. The site shall provide for privacy, ~~noise reduction~~, and outdoor recreation area for the tenants of the apartment.

*Added provision to account for the temporary absence of property owner.*

*This waiver provision is added to give the ZBA greater flexibility in considering a wider range of affordable accessory apartment proposals. Currently, approximately only 52% of residential lots in Chatham contain a gross area of 20,000 sq. ft. The intent of this proposed revision is to broaden this opportunity to a greater number of resident property owners.*

*Changing wording to shall clarifies enforcement*

*Noise reduction removed as it is covered under "Review Criteria" below.*

### **3. Special Permit Review Criteria:**

In addition to the ~~review criteria~~ conditions for Special Permits set forth in this Bylaw Section, the following criteria shall be used in the review of all Special Permits for *Affordable Apartments Incidental to a Single Family Dwelling*:

- a. Adequacy and suitability of the site for the addition of the apartment,

whether or not new construction is proposed, with consideration of the size and shape of the site, access to the site, location of existing and proposed buildings, topography of the site and surrounding area, and existing vegetation.

- b. Impact of the proposal upon the abutters and the neighborhood, including such considerations as the size of the unit proposed, location of the unit on the site, ~~proximity of the unit to the abutters,~~ layout of parking provided, and location of the outdoor use area for the unit.

#### **Conditions for Affordable Dwelling Units:**

*These conditions for affordable dwelling units have been retained and moved to Section 2. C. Affordable Rental Units.*

~~Dwelling units required to be **affordable** or approved under this Bylaw with the condition that they are **affordable** shall be subject to the requirements of this section.~~

- ~~\*—Any dwelling unit required or approved under this Bylaw as **affordable** shall meet the definition of **affordable price** as set forth in this Bylaw. Certification by the Chatham Housing Authority that the price is an “**affordable price**” shall be provided to the Zoning Enforcement Officer.~~
- ~~\*—Any dwelling approved under this Bylaw as an affordable rental unit shall be rented subject to a minimum 12-month lease.~~
- ~~\*—For any dwelling unit required or approved as an affordable rental under this Bylaw, certification by the Chatham Housing Authority that the tenants occupying the affordable unit are **income eligible** and the rent charged them is **affordable** per the definitions in this Bylaw must be submitted to the Zoning Enforcement Officer at the time of the signing of the lease and on an annual basis thereafter. Such certification is also required upon any change in tenants or rent charged. Dates of occupancy shall be stated in the certification.~~
- ~~\*—Owners of **affordable** units created under this Bylaw shall be encouraged to rent the units to Chatham residents, worker, or people with ties to the community.~~

#### **4. Conditions of Approval:**

—The Zoning Board may impose conditions upon the approval of a Special Permit for an *affordable apartment incidental to a single family dwelling* in keeping with the review criteria, and such conditions may include a limit on the number of people who can occupy the affordable unit.

#### **C. Amnesty Program for Apartments Incidental to Single and Multiple Family Dwellings**

*Proposed “Amnesty Program” modeled on that instituted in Barnstable as noted above.*

Recognizing that the success of this Section depends, in part, on the admission by real property owners that their property may be in violation of the Zoning Bylaw of the Town, the Town hereby establishes the following Amnesty Program.

##### **1. Threshold Criteria**

*Criteria for units eligible “Amnesty Program” are spelled out in this Section.*

The threshold criteria for units being considered as units potentially eligible for the Amnesty Program are:

- a. Real property containing a dwelling unit or dwelling units for which there

does not exist a validly issued Variance, Special Permit, Building Permit or Certificate of Occupancy, or does not qualify as a lawful, nonconforming use or structure; or

- b. Real property containing a dwelling unit or dwelling units and which have been cited by the Zoning Enforcement Officer as being in violation of the Protective (Zoning) Bylaw.

The property owner has the burden of demonstrating to the Building Commissioner that the criteria in either Subsection 1.a. and/or b. above have been satisfied.

If any dwelling unit or units identified herein are occupied during the period of time when amnesty is in effect, said unit must be inspected by the Building Commissioner or designee and found to be in conformance with the State Building Code and State Sanitary Code.

## **2. Program Qualification**

The procedure for qualifying units that meet the threshold criteria for the Amnesty Program is as follows:

- a. The unit(s) must either be a single unit accessory to an owner occupied single-family dwelling or one or more units in a multi-family dwelling where there exists a legal multi-family use but one or more units are currently unpermitted;
- b. The property owner must agree that if s/he receives a Special Permit in accordance with the provisions of Section VII. 2. C. and VII. 2-1. the unit(s) for which amnesty is sought will be rented to an income-eligible person or family and shall further agree that rent (including utilities) shall not exceed an affordable price.
- c. The property owner must agree, that if s/he receives a Special Permit, that s/he will execute a deed restriction in accordance with Section VII. 2. C. for the unit(s) for which amnesty is sought, prepared by the Town of Chatham, which runs with the property so as to be binding on and enforceable against any person claiming an interest in the property and which restricts the use of one or more units as rental units to an income-eligible person or family.
- d. A person is deemed "not to be proceeding diligently" if s/he does not receive a Special Permit within 12 months from the date of the admission by real property owners that the property may be in violation of the Zoning Bylaw of the Town, or as such time extended by mutual agreement of the ZBA and the Applicant.

*The conditions for units qualifying for the program are outlined in this Section.*

*Property owners seeking to create affordable units under this program must also obtain a Special Permit subject to the same requirements of Sections VII. 2. C. and VII. 2-1. as persons creating affordable accessory apartments.*

## **3. Program Procedure - The procedure for obtaining amnesty is as follows:**

- a. No zoning enforcement shall be undertaken against any property owner who demonstrates that s/he meets the Amnesty Program threshold criteria under Subsection C.1a. and/or b. and further demonstrates that s/he is proceeding in good faith to comply with the procedures to obtain a Special Permit.

*This new Section establishes the program procedures and relationship with zoning enforcement.*



- b. Any protection from zoning enforcement under this Section shall terminate when:
1. A written determination by the Building Commissioner that the applicable criteria of this Section cannot be satisfied; or
  2. It is determined that the property owner is not proceeding diligently with his/her Special Permit application; or
  3. The property owner's Special Permit application is denied.

#### **D. Achievement of the 10% Goal**

At such time that the Town of Chatham achieves the goal of having ten percent (10%) of the Town's year round housing stock considered affordable under Chapter 40B as indicated on the Subsidized Housing Inventory (SHI) the Zoning Board Appeals may deny projects submitted under this section based upon the presumption that the local need for affordable housing has been satisfied.

*Upon achieving the Town, County and State affordable housing goal of 10%, this Section provides the ZBA with the ability to deny projects on the basis local affordable housing needs have been achieved.*

#### **2-42. Affordable Dwelling Units, Mandatory Inclusionary Provision**

*Proposed format change to title of existing Section 2.1 in anticipation of future changes under consideration*

#### **Section 3 – Antique Shop, Art Gallery or Gift Shop – Unchanged**

#### **4. Apartment, Incidental to a Commercial Use and/or Industrial Use**

Permitted in the Industrial I Districts and allowed by special permit in the General Business (GB) Districts, in accordance with the provisions of Section VII. 2. C., VII. 2. D. and VII. 2-1., as follows:

- a. The use shall comply with the dimensional requirements stipulated in Appendix II for the commercial use provided:
1. The area of any lot shall provide not less than ten thousand (10,000) square feet of buildable upland for each ~~apartment~~; except for Affordable Apartment, Incidental to a Commercial Use or Industrial Use where the area of any lot shall provide not less than five thousand (5,000) square feet of buildable upland for each apartment.
  2. In the GB District there shall be no more than four (4) ~~apartments~~ in one (1) building; except for Affordable Apartment, Incidental to a Commercial Use or Industrial Use, there shall be no more than six (6) apartments in one (1) building.
  3. There shall be living quarters ~~of n~~ not more than two (2) stories above finish grade and none below such level.
  4. In the Industrial District, there shall be no more than one (1) two-bedroom ~~apartment~~ per lot incidental to the commercial or industrial use; except for Affordable Apartment, Incidental to a Commercial Use or Industrial Use, there

*Proposed changes to Section 4 are intended to create opportunities for the production of affordable apartments incidental to commercial (subject to the requirements of Sections VII. 2. C. and VII. 2-1.) or industrial uses.*

*This revision specifies a 5,000 sq. ft. buildable upland requirement for affordable units.*

*Affordable units beyond four (4) market units may also be added up to a maximum of six (6) in a building when the balance of the unit(s) is/are affordable.*

*No more than two (2), two bedroom units would be allowed when the balance of the unit(s) is/are affordable*

shall be no more than two (2), two (2) bedroom apartments per lot.

5. All Affordable Apartments, Incidental to a Commercial Use or Industrial Use shall be subject to a ten (10) year restriction under the applicable requirements of Section VII. 2. C.

- b. The residential use of the property shall be compatible with the nature and scale of the permitted commercial/industrial uses on the lot.

## **Section 5 (Boarding or Rooming House, Tourist Home) through Section 11.1 (Group Dwelling) - Unchanged**

### **12. Guest House**

Permitted in the R60, R40, R20, R20A and SB Districts and by Special Permit in the GB Districts as follows:

- a. There shall be not more than one *guest house* on any one *lot*, such *guest house* may be separate from or a part of the principal dwelling, *garage* or *barn*. However, the floor area of a *guest house* shall not exceed fifty percent (50%) of the floor area of the principal dwelling.
- b. A *guest house* may be used by the owner or occupant of the principal dwelling or his or her guests, or it may be rented.
- c. For such *guest house*, the *lot* on which it is constructed shall have at least twenty thousand (20,000) square feet of *buildable upland* in addition to the minimum lot size required for the zoning district in which it is located. No guest house shall have more than two (2) bedrooms.
- d. When such guest *dwelling unit* is part of the principal dwelling and is occupied by a member of the immediate family occupying the principal dwelling, the Zoning Board of Appeals may grant a Special Permit to waive the twenty thousand (20,000) square feet additional *buildable upland* land area requirement referenced in 12. c. above for a one (1) bedroom guest *dwelling unit* ~~house~~ even if the existing lot is nonconforming as to lot area. Such a duly approved guest *dwelling unit* may be converted to an *Affordable Apartment Incidental to a Single Family Dwelling* in accordance with the applicable requirements of Section VII. 2. C. and VII. 2-1.

*Affordable apartments would be created subject to a 10 year restriction and in accordance with the applicable provisions of Section VII. 2. C.*

#### **Guest Units:**

*The proposed striking of the word additional as it relates to land area requirements (of an additional 20,000 s.f. of buildable upland) for a "guest unit" (which is occupied by a member of the immediate family occupying the principal dwelling and limited to one (1) bedroom) is intended to increase the opportunities for Chatham residents to provide housing for family members. While current state regulations currently prohibit including units rented to family members on the SHI, these types of units often provide "de facto" affordable housing within the community for family members in various life situations that prevent them from being able to obtain housing in Town.*

*With the large number of existing parcels in Town that do not meet the required minimum lot areas for their Zoning District (73% in R20, 82% in R30, 70% in R40 and 93% in R60) before adjusting for buildable upland, very few homeowners, even assuming the ZBA waives "... the additional land area requirement.." can take advantage of the "guest unit" provision as drafted. This amendment would allow a homeowner with an "in-law" apartment created by a Special Permit to convert the unit to an affordable accessory apartment.*